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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MAN FERROSTAAL, INC. n/k/a  
FERROSTAAL METALS GROUP, INC.,

Plaintiff,

-against-

M/V SPAR CANIS, her engines, etc., SPAR  
SHIPHOLDING A/S, FLEET MANAGEMENT  
LTD., SK SHIPPING LTD.,

Defendants.

07 Civ. 11076 (RJH)

**ANSWER TO AMENDED  
VERIFIED COMPLAINT  
OF FLEET MANAGEMENT LTD.**

Defendant, FLEET MANAGEMENT LTD. ("Fleet"), answers the amended verified complaint of MAN FERROSTAAL, INC. n/k/a FERROSTAAL METALS GROUP, INC, and states as follows upon information and belief:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Complaint.

3. Admits it was the managing agent of the M/V SPAR CANIS during the period alleged and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Complaint.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Complaint.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

1. The Complaint fails to state a cause of action against Fleet upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

2. If the cause of action as between Fleet and Plaintiff is subject to arbitration, Fleet reserves its rights to arbitration.

**THIRD AFFIRMATIVE DEFENSE**

3. Venue is improper and/or inconvenient.

**FOURTH AFFIRMATIVE DEFENSE**

4. The Court lacks personal jurisdiction over Fleet.

**FIFTH AFFIRMATIVE DEFENSE**

5. Service of process upon Fleet was insufficient.

**SIXTH AFFIRMATIVE DEFENSE**

6. The Court lacks in rem jurisdiction over Defendant Fleet.

**SEVENTH AFFIRMATIVE DEFENSE**

7. Plaintiff is not the real party in interest and lacks standing to bring the present suit.

**EIGHTH AFFIRMATIVE DEFENSE**

8. If Fleet is bound by a contract of carriage evidenced by a bill of lading requiring it to submit to the jurisdiction of this Court, Fleet is entitled to any and all defenses contained in the United States Carriage of Goods by Sea Act, 46 U.S.C. App. § 1301, et seq., and/or the applicable bill of lading and/or contract of carriage and/or any other applicable law, including foreign law, including, but not limited to, the right to limit its liability to \$500 per package or customary freight unit, the one year statute of limitation, error in navigation and/or management, and fault of shipper.

**NINTH AFFIRMATIVE DEFENSE**

9. The Plaintiffs' alleged damages, if any, were caused or contributed to by faults of persons over whom Defendants neither had nor exercised any control and for whom Defendants are neither responsible nor liable.

**TENTH AFFIRMATIVE DEFENSE**

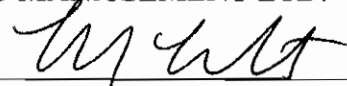
10. Plaintiff has failed to mitigate its damages.

Dated: New York, NY  
February 20, 2008

Respectfully submitted,

BLANK ROME, LLP  
Attorneys for Defendant  
FLEET MANAGEMENT LTD.

By



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